

Appl. No. 10/710,263  
Amdt. dated July 20, 2006  
Reply to Office action of May 25, 2006

### REMARKS/ARGUMENTS

#### **1. Amendments to the claims**

- 5 Claim 1 is amended to include the limitation recited in claim 4. Additionally, as supported by the specification paragraph [0016], "...the motor 36 spins to drive the disc 32 of the Scotch yoke 31 to rotate..." claim 1 is amended to define that the positioning apparatus is a motorized component. Similarly, claim 10 is amended as well. Claims 5 and 14 are amended to modify the dependency. No new matter is introduced. Consideration of the  
10 claim amendments is respectfully requested.

#### **2. Claim Rejections – 35 USC 102**

Claims 1, 2, 3, 4, 6, 7, 9, 10, 11, 12, 13, 15, 16, and 18 are rejected under 35 U.S.C. 102(b) as being anticipated by Kobayashi (JP 05138988 A)

#### **Response:**

##### 15 Claim 1

- As shown in Kobayashi Fig. 4, the movement of the paper 20 is guided by component 31. In other words, as one can see, the paper 20 is not ejected out of an uncovered opening due to the open carriage cover 28. Further, if the paper 20 is ejected out of the opening controlled by the movable carriage cover 28, the heat releasing function fails because the  
20 paper 20 will block the air flow from passing through the opening under the movable carriage cover 28. Therefore, applicants assert that Kobayashi fails to teach or suggest the claimed feature "a cover for blocking an access opening of the printer, wherein the access

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opening is used for delivering a sheet of print paper." The 35 U.S.C. 102 (b) rejection is overcome. Consideration of the amended claim 1 is respectfully requested.

Claim 10

According to the arguments under above Claim 1, applicants assert that claim 10 has been  
5 placed in condition for allowance. Consideration of amended claim 10 is respectfully requested.

Claims 2, 3, 4, 6, 7, 9, 11, 12, 13, 15, 16, and 18

Claims 4 and 13 are cancelled. Claims 2, 3, 6, 7, 9, 10, 11, 12, 15, 16, and 18 are  
dependent upon claims 1 and 10 respectively, and should be allowed if claims 1 and 10  
10 are found allowable.

Claims 1, 2, 4, 5, 10, 11, 13, and 14 are rejected under 35 U.S.C. 102(b) as being anticipated by Yano (JP 2002301848 A)

**Response:**

15 Claim 1

As shown in Yano Fig. 1, the top cover 21 is only allowed to be opened manually by users. That is, the top cover 21 is designed to pivot on the hinge 20 freely. No motorized mechanism to disclosed by Yano to control movement of the top cover 21 during a printing operation. Therefore, applicants assert that the claimed feature "a motorized  
20 positioning apparatus coupled to the cover for controlling movement of the cover" is neither taught nor suggested by Yano. The 35 U.S.C. 102 (b) rejection is overcome. Consideration of the amended claim 1 is respectfully requested.

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#### Claim 10

According to the above arguments under above Claim 1, applicants assert that claim 10 has been placed in condition for allowance. Consideration of amended claim 10 is respectfully requested.

5 Claims 2, 4, 5, 11, 13, and 14

Claims 4 and 13 are cancelled. Claims 2, 5, 11, and 14 are dependent upon claims 1 and 10 respectively, and should be allowed if claims 1 and 10 are found allowable.

#### **3. Claim rejections – 35 USC 103**

- 10 Claims 8 and 17 are rejected under 35 U.S.C. 103(a) as being unpatentable over Tainer (US 6,249,299) in view of Kobayashi (JP 05138988 A)

#### **Response:**

Claims 8 and 17 are dependent upon claims 1 and 10 respectively, and should be allowed if claims 1 and 10 are found allowable.

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#### **4. Other matters**

- Yano (JP 2002301848 A) discloses an ink-jet printer with a movable top cover. However, Kobayashi (JP 05138988 A) discloses a printer device with a thermal transfer printer. Therefore, Yano's ink-jet printer and Kobayashi's thermal transfer printer have different printing mechanism. As to ink-jet printer no heat dissipation issue is concerned. There is no motivation to apply Kobayashi's movable carriage cover to Yano's ink-jet printer for obtaining the benefit of releasing heat to the atmosphere. Moreover, if Yano's ink-jet printer
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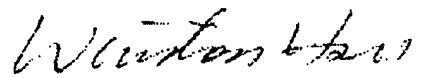
is provided with Kobayashi's motorized mechanism to open the top cover during a printing operation, the internal components as shown in Yano Fig. 1 are easily damaged due to dust or water because the area of the opening is very large. Therefore, applicants assert that claims 1 and 10 are patentable over Kobayashi in view of Yano.

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Applicants respectfully request that a timely Notice of Allowance be issued in this case.

Sincerely yours,

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